

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE NO. 2023-59

**ORDINANCE AMENDING CHAPTER 223, SECTION 12 REGARDING USE OF THIN
BRICK FOR AFFORDABLE HOUSING DEVELOPMENTS**

WHEREAS, Chapter 223 Section 12 entitled “Construction Requirements” of the Code of the City of Union City establishes the requirements for construction and other development within the City; and

WHEREAS, N.J.S.A. 40:48-1.13 permits the governing body of every municipality to make, amend, repeal and enforce ordinances to regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material; and

WHEREAS, the City of Union City (the “City”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, the Board of Commissioners of the City of Union City wishes to amend this Chapter to allow affordable housing developments to utilize thin brick building facades.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that the Code of the City of Union City is hereby amended and revised as follows:

SECTION ONE:

1. Chapter 223, Section 12, “Construction Requirements,” Subsection K is hereby amended to read as follows:

K. Prohibited materials. The following four construction materials, and any other similar or like materials, are specifically prohibited for all new construction and/or resurfacing of a brick building facade or other brick street frontage as outlined below:

- (1) New Construction:
 - (a) Thin brick;
 - (b) Tile;
 - (c) Synthetic stucco; and
 - (d) Hardy planks.
- (2) Resurfacing of Brick Facades and Frontages:
 - (a) Synthetic stucco
- (3) This subsection does not apply to affordable housing developments.

SECTION TWO:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION THREE:

Repealer. To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR:

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE:

This Ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 223-12(K)(2) to prohibit the use of synthetic stucco when resurfacing brick building facades or other brick street frontage.

Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	x			
Wendy A. Grullon	x			
Celin J. Valdivia	x			
Maryury A. Martinetti	x			
Mayor Brian P. Stack	x			

I HEREBY CERTIFY this is to be a true and correct Ordinance of the City of union City Board of Commissioners, introduced on February 7, 2023 and was further considered and adopted after a Public Hearing held on February 21, 2023, at the Bruce D. Walter Recreation Center, 507 West Street, Union City, New Jersey 07087

INTRODUCED: February 7, 2023

ADOPTED: February 21, 2023

ATTEST:
Hilda I. Rosario
Acting City Clerk

